

**Heber City Corporation
City Council Meeting
February 6, 2014**

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 6, 2014, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

Present:

Mayor
Council Members

Alan W. McDonald
Robert Patterson
Jeffery Bradshaw
Erik Rowland
Heidi Franco
Kelleen Potter

Also Present:

City Manager
City Recorder
City Engineer
Planning Director
Chief of Police
City Attorney

Mark K. Anderson
Michelle Kellogg
Bart Mumford
Anthony Kohler
David Booth
Mark Smedley

Others Present: Doug Wagstaff, Julie Wagstaff, Tom Bonner, Paul Boyer, Wayne McDonald, Jim Church, Lonnie Woodard, Earl Polenz, Dale Stewart, Terry Small, Terry Shoemaker, Paul Berg, Mark Nelson, Terry Loboschefskey, Don Ames, Van Hemeyer, Amanda Buchmuller, Nick Buchmuller, Francis Harrison, Thomas Meacham, Nancy Lockerman, Bob Werra, Barry Hancock, Alan Robertson, Greg Grani, Richard Conto, Susan Stewart, Kari McFee, Erik Lappe, Mike Duggin, Mark Haroldsen, Tracy Taylor, Tim Glenn, Dave Hansen, Karl Paulsen, George Painter, Paul Schneider, Beth Schneider, Lynn Vaughn, Ron Blue, Merry Duggin, Jeff Maling, Minon Boyer, Gary Clark, Paul Royall, Anissa Wardell, Barb Hutchison, Liz Lewis, Carolyn McDonald, Dave Kennamer, Emery Blanchard, L. Richardson, Mike Bardole, Mary Bardole, Fiora Dal Canto, Sheryl Nelson, Dave Nelson, Nadim AbuHaidar, Mauro Dal Canto, Danny Goode, John Gladowski, Kent Hiatt, Dennis Jensen, Maddie Kirby, Jon Olch, Mike Stewart, Cidnee Shopay, Brandon Shopay, Susan Brandt, Tracy Emmanuel, Jeremy Nelson, Lisa Nelson, Mitchell Nelson, Jay Nelson, Allison Nelson, Melaine Mainord, McKylee Mainord, Eric Mainord, Chava Segura, Kaden Pierce, Todd Cates, James Moore, Nettie Moore, Kristi Nemelka, Tiera Nemelka, Emily Moore, Megan Kohler, Charlee Mondragon, Laurie Wynn, and others whose names were illegible.

Mayor McDonald opened the meeting and welcomed those in attendance.

Pledge of Allegiance: Council Member Robert Patterson

Prayer: Council Member Erik Rowland

Minutes: January 16, 2014 Special, Work, and Regular Meetings

Council Member Franco moved to approve the above listed minutes. Council Member Bradshaw seconded the motion. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

OPEN PERIOD FOR PUBLIC COMMENT

Paul Boyer, airport hangar owner, wanted to clarify a point on his presentation during tonight's work meeting. The current study was the Lease Rates and Charges Analysis. This document was revised several times. The original analysis in 2007 was not revised. When Council Member Patterson asked McQuarrie why this presentation wasn't given to the Airport Advisory Board first, Boyer stated it was because he and his colleagues thought the Council needed to know how the City's money was spent.

APPOINTMENTS

Mayor McDonald's Award - Officers James Moore, Jeremy Nelson, Daniel Bunnell, Eric Mainord, Ryan DeMille, and Brandon Shopay: Mayor McDonald stated this award was given for exemplary service in the City. He recognized six police officers for the outstanding work they performed recently. Officer Mainord responded to a call at Smiths Grocery Store and immediately called Officers DeMille, Bunnell, and Sergeant Nelson as backup for an individual with two 7-inch knives that was chasing staff around the store. Officer Mainord confronted the individual, and the individual lunged at Officer Mainord with a knife while simultaneously slicing his wrist, including the artery and all five tendons. The four officers reacted quickly to administer first aid, thus saving his hand and his life.

Sergeant Moore and Officer Shopay responded to a call at 7-11, and discovered there had been an attempted kidnapping. They immediately issued an "Attempt to Locate" on their radios, and by so doing, the suspect was quickly apprehended and taken into custody.

Kristi Nemelka, Proclamation for Utah Valley University Non-Traditional Student Awareness Week, Resolution 2014-02: Kristi Nemelka stated she was an ambassador for UVU, Wasatch campus, and also a non-traditional student. She was grateful the City was supportive of this proclamation which proclaimed the week of February 24, 2014-March 1, 2014 as Non-Traditional Student Awareness Week.

Council Member Patterson moved to approve Resolution 2014-02, A Proclamation for Utah Valley University Non-Traditional Student Awareness Week. Council Member Franco made the second.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

CONSENT AGENDA

Approve The Junction Pizzeria and Grill, Request for Local Consent to Sell Alcohol, Located at 315 North Main Street: Council Member Potter moved to approve The Junction Pizzeria and Grill, request for Local Consent to sell alcohol on the premises. Council Member Patterson made the second.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

ACTION ITEMS

Red Ledges Requests Subdivision Final Approval for Red Ledges Phase 2E – Juniper Hills, an 8 Lot Subdivision Located in the Red Ledges Development in the Vicinity of Copper Belt Drive, the Entrance to Red Ledges is Located at 1851 East Center Street:

Council Member Bradshaw moved to give final approval for Red Ledges Subdivision, Phase 2E – Juniper Hills. Council Member Patterson made the second.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

Council Member Franco asked Todd Cates to talk about the progress on the trail from the public park to the open space. Cates indicated as the subdivision plats were approved and developed, the associated trails would be developed as well. Council Member Franco was concerned that the gravel trail was not as usable as the paved trail, due to being unlevel. Cates stated he hiked it and thought it was fine for hiking. He explained the other trails in the subdivision.

Tony Kohler explained the Red Ledges Development Agreement and the different requirements per phase in the subdivision. He felt the developing was in line with the timeline.

Todd Cates indicated business was picking up. In 2013, 65 lots were sold. Pricing on the lots were still lower than the 2007 prices, but he felt good that the financial numbers were up. He expected higher sales in 2014.

Tracy Taylor asked why the eastern bypass road was delayed until 2016. Tony Kohler indicated that currently there was no need for that bypass. Cates agreed and added that with the economic downturn, it was more important that Red Ledges survive until more prosperous times allowed it to help fund the bypass. Taylor thought the intent of the bypass was to diffuse the traffic so the eastern part of the valley could leave town without going to Center Street and Main Street and further clogging Main Street.

David Nelson stated the bypass was planned but one developer hadn't developed one of the needed segments yet, so it would serve no purpose to build it now.

Amanda Wright, Millers Small Subdivision Approval for Property Located at 77 West 400 North: Paul Berg stated this was a lot split with an existing home on one lot. Council Member Franco moved to approve Millers Small Subdivision. Council Member Potter seconded the motion.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

Approve City Council Board Assignments, Board Appointments/Recommendations and Committee Formation to Oversee the Development of City Owned Industrial Property:

Mayor McDonald stated these assignments were not permanent and would be rotated throughout the Council members' terms. He read a prepared statement:

The City Council board assignments you have before you will be on a two year rotation. All members of the Council should have the experience of being on as many boards as possible

during their term of office and not just having the same members repeat the same board assignments. They are not permanent assignments.

By rotating the Council board assignments, this will bring more experience, more depth, a stronger Council and a more informed body on how individual boards operate, so when an issue comes before the Council we have a majority of the body able to handle that issue. This also allows someone from the Council to fill-in when a Council member cannot make their board meeting.

I have tried to be fair with everyone by passing the work load evenly throughout the Council, making sure that certain members are not carrying more of the work load than others.

The work load on board assignments is the lightest it has ever been. I did this in order to give Council members more time to handle their legislative duties. If a member of the Council feels that I have not evenly passed the work load throughout the Council then please point it out to me.

Boards like the Sewer, HLP, and Economic Development, are boards that are the more favorable appointments for Council members to want to be on. I have given each Council member one of these boards to make it fair to everyone. I based my appointments around these three boards because they are boards that pay out money and require time. There are five of you and five paying boards. This allows each of you to be a contributing member of the compensation pool.

It is written in State and Federal laws that there is a separation of powers of the legislative and executive branch of the City. The City Council is the legislative body. The Mayor's position is administrative or executive.

David Church makes a clear statement in his book, **Utah League of Cities Powers and Duties**; "All Councils have the right to give advice and consent to the appointments of the Mayor. Advice and consent does not mean that the Councils get to choose whom they want for a position with the City. The power of appointment is an executive power. . . There is no provision or method in the law for a Council to take unto itself the power of appointment". David Church's statement is clear enough to understand who makes the appointments and who decides who the person is to fill the position. The Mayor's appointments of Council members to certain boards are part of the Mayor's duties and it's the City Council members' duty to fill those board assignments as part of their service to the public.

Mayor McDonald reviewed the board assignments for the City Council Members as noted in the packet for HVSSD Board, Wasatch Economic Development Board, Personnel Policy Committee, Historic Preservation Board, all the Irrigation Boards, Weed Board, and Animal Control.

Council Member Potter moved to approve the above listed board assignments for the City Council Members. Council Member Bradshaw made the second.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

Heber Light and Power Board: Mayor McDonald stated he did not need Council consent for this board's appointments. He asked Mark Smedley to address this issue. Smedley stated he looked at the Heber Light and Power bylaws, the City Code and the State Code, and concluded Mayor McDonald was correct in not needing Council consent. Smedley noted it was good to have the consent, but it was not needed. Council Member Patterson asked why Mayor McDonald felt he didn't need the advice and consent of the Council since it was tradition for the Council to give consent on appointments. Mayor McDonald agreed it would be nice to have the consent, but his

choices for the appointments would not change. He asked for consent for Council Members Franco and Potter. Council Member Potter moved to approve Council Members Franco and Potter to the Heber Light and Power Board. The motion failed for lack of a second. Mayor McDonald stated as chairman of the Heber Light and Power Board, he would still proceed with appointing Council Members Franco and Potter as members of the board.

Airport Advisory Board: Council Member Rowland clarified that this issue was discussed at the last meeting. Mayor McDonald stated if the bylaws were going to change the structure of the board, the board could proceed with that. Council Member Rowland reviewed that a motion had been made at the last meeting, and the bylaws change was already on the Airport Advisory Board agenda for the upcoming meeting. Mayor McDonald asked that the board members also discuss the requirements for membership. Mayor McDonald noted that Council Member Rowland's term expired in 2012 and he was never reappointed. Council Member Rowland stated that he was told he would remain on the board until a replacement was found. Mayor McDonald stated his appointments to this board would be on hold until the bylaws were changed.

The Historic Preservation Committee: Council Member Bradshaw moved to give Council consent for Michael Moulton, Ann Moulton, Mike Johnston, Laurie Turnblom, and as an alternate, Steve Olsen. Council Member Rowland seconded the motion.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

Mayor McDonald indicated the recommended names for the Housing Authority, the Health Board, and the Wasatch Parks board were recommendations to the County Council. Steve Hallows' name was removed since he did not live within the City limits. Council Member Franco added her name to Housing Authority because she didn't have as many board assignments as the other Council members. Council Member Bradshaw noted he was the executive director of this board and didn't have a vote, so he preferred to see a Council member on the Housing Authority Board. He reviewed the current activities of the board.

Council Member Rowland noted that Tom Melville was declined as a Health Board member because he did not have a background in the medical field. Council Member Rowland requested that because of Melville's aviation background, he would be an asset to the Airport Advisory Board.

Mayor McDonald discussed that a committee should be organized as the City contemplated developing the 38 acres of City owned property by the airport. He proposed that Council Member Rowland chair the committee and have Brad Baird and Ryan Starks as members of this committee as well.

Council Member Franco moved to approve the organization of a committee to develop the City property by the airport, with Council Member Rowland as its chairperson. Council Member Patterson seconded the motion.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

With no further business, the meeting was adjourned at 8:10 p.m.

Michelle Kellogg, City Recorder